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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91217383
Party	Defendant Dwyer, Ed
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Submission	Answer
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Date	08/22/2014
Attachments	APPLICANT'S ANSWER_PASADENA ROADSTER CLUB.pdf(81585 bytes)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

Pasadena Roadster Club, Inc.,)	
)	
Opposer,)	Opposition No. 91217383
)	Serial No. 85/701,035
)	Mark: PASADENA ROADSTER CLUB
v.)	
)	
Ed Dwyer,)	
)	
)	
Applicant.)	
)	
)	
)	

ANSWER TO NOTICE OF OPPOSITION

Applicant, Ed Dwyer ("Applicant"), an individual, by his attorneys hereby responds to the allegations set forth in the Notice of Opposition filed by Pasadena Roadster Club, Inc.

("Opposer"), as follows:

Applicant denies the allegations set forth in the introductory paragraph of the Notice of Opposition, with the exception that Applicant admits that he denied a request for an extension of time for Opposer to file the Notice of Opposition.

1. Applicant has insufficient knowledge or information as to the truth of the allegations set forth in Paragraph 1 of the Notice of Opposition, and therefore, denies such allegations.
2. Applicant has insufficient knowledge or information as to the truth of the allegations set forth in Paragraph 2 of the Notice of Opposition, and therefore, denies such allegations.
3. Applicant has insufficient knowledge or information as to the truth of the allegations set forth in Paragraph 3 of the Notice of Opposition, and therefore, denies such allegations.

4. Applicant has insufficient knowledge or information as to the truth of the allegations set forth in Paragraph 4 of the Notice of Opposition, and therefore, denies such allegations.
5. Applicant has insufficient knowledge or information as to the truth of the allegations set forth in Paragraph 5 of the Notice of Opposition, and therefore, denies such allegations; with the exception that Ed Dwyer admits that he promoted and advertised club services and social club services under the PASADENA ROADSTER CLUB mark.
6. Applicant denies the truth of the allegations set forth in Paragraph 6 of the Notice of Opposition.
7. Applicant has insufficient knowledge or information as to the truth of the allegations set forth in Paragraph 7 of the Notice of Opposition, and therefore, denies such allegations.
8. Applicant has insufficient knowledge or information as to the truth of the allegations set forth in Paragraph 8 of the Notice of Opposition, and therefore, denies such allegations.
9. Applicant has insufficient knowledge or information as to the truth of the allegations set forth in Paragraph 9 of the Notice of Opposition, and therefore, denies such allegations.
10. Applicant has insufficient knowledge or information as to the truth of the allegations set forth in Paragraph 10 of the Notice of Opposition, and therefore, denies such allegations.
11. Applicant has insufficient knowledge or information as to the truth of the allegations set forth in Paragraph 11 of the Notice of Opposition, and therefore, denies such allegations.
12. Applicant denies the truth of the allegations set forth in Paragraph 12 of the Notice of Opposition, with the exception that Applicant admits that he filed the opposed trademark application.
13. Applicant denies the truth of the allegations set forth in Paragraph 13 of the Notice of Opposition.

14. Applicant denies the truth of the allegations set forth in Paragraph 14 of the Notice of Opposition.
15. Applicant denies the truth of the allegations set forth in Paragraph 15 of the Notice of Opposition.
16. Applicant denies the truth of the allegations set forth in Paragraph 16 of the Notice of Opposition.
17. Applicant admits the truth of the allegations set forth in Paragraph 17 of the Notice of Opposition.
18. Applicant denies the truth of the allegations set forth in Paragraph 18 of the Notice of Opposition.
19. Applicant denies the truth of the allegations set forth in Paragraph 19 of the Notice of Opposition.
20. Applicant denies the truth of the allegations set forth in Paragraph 20 of the Notice of Opposition, with the exception that Applicant admits that the Examining Attorney accepted the Declaration of Acquired Distinctiveness and graciously granted Applicant an additional 30 days to provide a substitute specimen.
21. Applicant admits that he hired an attorney on or around December 17, 2013, but has insufficient information or knowledge as to the truth of the allegation that his attorney "submitted specimens of use dated December 2013", and therefore denies this allegation.
22. Applicant denies the truth of the allegations set forth in Paragraph 22 of the Notice of Opposition.
23. Applicant denies the truth of the allegations set forth in Paragraph 23 of the Notice of Opposition.

24. Applicant admits that Opposer filed the U.S. trademark application identified in Paragraph 24 of the Notice of Opposition.
25. Applicant has insufficient information or knowledge as to the truth of the allegation set forth in Paragraph 25 of the Notice of Opposition, and therefore denies this allegation.
26. Applicant has insufficient information or knowledge as to the truth of the allegation set forth in Paragraph 26 of the Notice of Opposition, and therefore denies this allegation.
27. Applicant admits the truth of the allegations set forth in Paragraph 27 of the Notice of Opposition.
28. Applicant denies the truth of the allegations set forth in Paragraph 28 of the Notice of Opposition.
29. Applicant denies the truth of the allegations set forth in Paragraph 29 of the Notice of Opposition.
30. Applicant denies the truth of the allegations set forth in Paragraph 30 of the Notice of Opposition.
31. Applicant has insufficient information or knowledge as to the truth of the allegation set forth in Paragraph 31 of the Notice of Opposition, and therefore denies this allegation.
32. Applicant denies the truth of the allegations set forth in Paragraph 32 of the Notice of Opposition.
33. Applicant denies the truth of the allegations contained in the final paragraph of the Notice of Opposition.

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AFFIRMATIVE DEFENSES

34. As a first and separate affirmative defense, Applicant is informed and believes, and on this basis asserts that Opposer's claim is barred from recovery due to the fact that Applicant's use of Applicant's mark has not interfered with or damaged Opposer in any manner.
35. As a second and separate affirmative defense, Applicant is informed and believes, and on this basis asserts that Opposer is not the owner of the mark PASADENA ROADSTER CLUB.
36. As a third and separate affirmative defense, Applicant is informed and believes, and on this basis asserts that Opposer does not have priority of use of PASADENA ROADSTER CLUB.
37. As a fourth and separate affirmative defense, Applicant is informed and believes, and on this basis asserts that Opposer's claim is barred from recovery by reason of its own unclean hands.
38. As a fifth and separate affirmative defense, Applicant is informed and believes, and on this basis asserts that Opposer's claim is barred from recovery by the doctrine of acquiescence.
39. As a sixth and separate affirmative defense, Applicant is informed and believes, and on this basis asserts that Opposer's claim is barred from recovery by the doctrine of waiver.
40. As a seventh and separate affirmative defense, Applicant is informed and believes, and on this basis asserts that Opposer's Notice of Opposition fails to state a claim upon which relief can be granted.

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WHEREFORE, Applicant prays that this opposition be denied and the registration of U.S. Application Serial No. 85/701,035 be granted.

Dated as of: August 22, 2014

By: /Paulo A. de Almeida/
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Attorneys for Applicant,
Ed Dwyer

PROOF OF SERVICE

I hereby certify that a true and complete copy of the foregoing **ANSWER TO NOTICE OF OPPOSITION** has been served on Kathryn A. Tyler, counsel for Opposer, on August 22, 2014, via First Class U.S. Mail, postage prepaid to:

KATHRYN A TYLER
LAW OFFICES OF KATHRYN A TYLER
931 ALTA VISTA DR
ALTADENA, CA 91001

By: /Paulo A. de Almeida/
Paulo A. de Almeida